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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,461	08/14/2001	Harley Kent Heinrich	411951-222	9058
23879	7590	05/19/2004		
BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			EXAMINER TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	
			DATE MAILED: 05/19/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,461

Applicant(s)

HEINRICH ET AL.

Examiner

Son M Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eberhardt** [US 5,382,784] in view of **Knowles et al.** [US 6,223,987].

Regarding to claims 1 and 10: **Eberhardt** discloses an apparatus for scanning radio frequency identification data from at least one RFID tag, comprising,

-a housing [14] containing at least a portion of an RFID scanner [52] [as shown in Fig. 1-2 and 4 and Summary of the Invention].

Eberhardt does not specify that the hand-held reader having a means for affixing the housing to a portion of an operator's body, and means for automatically scanning without manual intervention by the operator.

Knowles et al. teaches a hand-held scanner 102 which worn on a wrist of an operator, and having means for automatically scanning without manual intervention by the operator [as shown in Fig. 1-2, 4 and col. 2, lines 1-22 and col. 5, lines 39-42]. Since, both devices are hand-held and scanning information from tag. Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made to modify the hand-held scanner with a wrist strap as taught by **Knowles et al.** with RFID scanner of **Eberhardt** for the benefit of user convenience and also it would be obvious that barcode reading identification system and RFID

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tag reading identification system constitute analogous art, and that automatic scanning as used by Knowles et al. and manual scanning as used by Eberhardt, both present design tradeoffs in that automatic scanning provides more user convenience at the expense of a little more power consumption compare with manual scanning, so that in a particular implementation of an identification system such as taught by Eberhardt and Knowles et al. automatic scanning can be chosen if user convenience is preferred.

Regarding to claims 2-4 and 11-13: Eberhardt and Knowles et al. disclose all the limitation as described above, Eberhardt further discloses a radio transceiver (which met by a rf reader 52), a microprocessor 54 and antenna [40] [as shown in Fig. 1-2 and 4], Eberhardt does not specific disclose that the transceiver is coupled to the antenna and processor for controlling operation of the radio transceiver and they are disposed externally of said housing. It would have been obvious to one having ordinary skill in the art would coupled the transceiver to the antenna in order to transmit and receive any information and also uses the processor to control operation of the transceiver which had been programmed and they can be arranged in any positions as it is desired, since there is no particular orientation which shows that the RFID scanner is not performing any better.

Regarding to claims 5 and 14: Eberhardt further discloses wherein the housing contains a power source [58] adapted to provide power for scanner [see col. 5, lines 1-2].

Regarding to claims 6 and 15: Knowles et al. further teach a strap [106] adapted to affix the housing to a wrist of the operator.

Regarding to claims 7 and 16: Eberhardt further discloses a RF means for communicating said RFID data to an external system 51 [as cited in Fig. 4, col. 5, lines 5-15].

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3. Claims **8-9 and 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eberhardt** in view of **Knowles et al.** in claim 1 above, and further in view of **Bard et al.** [US 5,610,387].

Regarding to claims 8 and 17: Eberhardt and Knowles et al. disclose the instant claimed invention except for: the means for communicating said RFID data to wireless local area network.

Bard et al. teach a scanning system worn on operator's body which comprising, a means for communicating data to a wireless local network component [col. 17, lines 57-63]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a component for communicating data through local network as taught by reference of Bard et al. into the system of combination above, for the advantage of faster transmission, because the wireless local area network transceivers are available in the area.

Regarding to claims 9 and 18: Bard et al. further teach a transceiver for communicating which using an infrared frequency link [see col. 8, lines 1-2]. It would have been obvious in skill in the artisan would motivated to use any well-known frequency type (such as infrared) for it own purpose.

4. Claims **8-9 and 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eberhardt** in view of **Knowles et al.** in claim 1 above, and further in view of **Garber et al.** [US 6,232,870].

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Regarding to claims 21-22: Eberhardt and Knowles et al. disclose all the limitation as described above, they fail to mention that the scanning means further comprises means for periodically transmitting an interrogating signal.

Garber et al. teach a RFID hand-held scanner, which comprises a means to periodically (intermittent) transmit an interrogating signal to the tag [as cited in col. 1, lines 30-35 and col. 15, lines 63-67]. Since, power consumption is one of the inventive concern factor, therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made to have a periodically transmitting means as suggested by Garber into the system of the combination above, for the benefit of conserving energy.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang


BENJAMIN C. LEE
PATENT EXAMINER
GROUP 2632